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CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, on the below date:  
Date: June 21, 2006 Name: Heidi A. Dare, Reg. No. 50,775 Signature: Heidi A. Dare

BRINKS  
HOFER  
GILSON  
& LIONE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Appln. of: Christof Westenfelder

Appln. No.: 10/551,317

Filed: September 29, 2005

For: Stem- Cell, Precursor Cell, or Target Cell-  
Based Treatment of Multiorgan Failure and  
Renal Dysfunction

Attorney Docket No: 10402-26

Examiner: To Be Assigned

Art Unit: To Be Assigned

Mail Stop Amendment  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

TRANSMITTAL

Sir:

Attached is/are:

- ☒ Information Disclosure Statement; Form PTO-1449; copies of references A41-A100  
☒ Return Receipt Postcard

Fee calculation:

- ☒ No additional fee is required.  
☐ Small Entity.  
☐ An extension fee in an amount of \$\_\_\_\_\_ for a \_\_\_\_\_-month extension of time under 37 C.F.R. § 1.136(a).  
☐ A petition or processing fee in an amount of \$\_\_\_\_\_ under 37 C.F.R. § 1.17(\_\_\_\_).  
☐ An additional filing fee has been calculated as shown below:

					Small Entity			Not a Small Entity	
	Claims Remaining After Amendment		Highest No. Previously Paid For	Present Extra	Rate	Add'l Fee	or	Rate	Add'l Fee
Total		Minus			x \$25=			x \$50=	
Indep.		Minus			x 100=			x \$200=	
First Presentation of Multiple Dep. Claim					+\$180=			+\$360=	
					Total	\$		Total	\$0

Fee payment:

- ☐ A check in the amount of \$\_\_\_\_\_ is enclosed.  
☐ Please charge Deposit Account No. 23-1925 in the amount of \$\_\_\_\_\_. A copy of this Transmittal is enclosed for this purpose.  
☐ Payment by credit card in the amount of \$\_\_\_\_\_ (Form PTO-2038 is attached).  
☒ The Director is hereby authorized to charge payment of any additional filing fees required under 37 CFR § 1.16 and any patent application processing fees under 37 CFR § 1.17 associated with this paper (including any extension fee required to ensure that this paper is timely filed), or to credit any overpayment, to Deposit Account No. 23-1925.

Respectfully submitted,

June 21, 2006  
Date

Heidi A. Dare  
Heidi A. Dare (Reg. No. 50,775)



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INFORMATION DISCLOSURE STATEMENT

In accordance with the duty of disclosure under 37 C.F.R. §1.56 and §§1.97-1.98, and more particularly in accordance with 37 C.F.R. §1.97(b), Applicant hereby cites the following references:

Patent Number	Date	Applicant
5,197,985	03/1993	Caplan et al.
5,226,914	07/1996	Caplan et al.
5,486,359	01/1996	Caplan et al.
5,591,625	01/1997	Gerson et al.
5,643,736	07/1997	Bruder et al.
5,733,542	03/1998	Haynesworth et al.
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5,811,094	09/1998	Caplan et al.
5,827,740	10/1998	Pittenger
5,837,539	11/1998	Caplan et al.
5,855,619	01/1999	Caplan et al.
5,908,782	06/1999	Marshak et al.
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5,942,225	08/1999	Bruder et al.
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6,379,953	04/2002	Bruder et al.
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6,482,231	11/2002	Abatangelo et al.
6,541,024	04/2003	Kadiyala et al.
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Abkowitz JL et al.; "Multilineage, non-species specific hematopoietic growth factor(s) elaborated by a feline fibroblast cell line: enhancement by virus infection;" J Cell Physiol. 1986 Apr;127(1):189-96. Abstract.		
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Ringe J et al.; "Stem cells for regenerative medicine: advances in the engineering of tissues and organs;" Naturwissenschaften. 2002 Aug;89(8):338-51. Epub 2002 Jul 23. Abstract.
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International Search Report dated December 12, 2004 from International Application No. PCT/US04/09922.

Applicant is enclosing Form PTO-1449 (five sheets), along with a copy of each listed reference for which a copy is required under 37 C.F.R. §1.98(a)(2). As each of the listed references is in English, no further commentary is believed to be necessary, 37 C.F.R. §1.98(a)(3). Applicant respectfully requests the Examiner's consideration of the above references and entry thereof into the record of this application.

By submitting this Statement, Applicant is attempting to fully comply with the duty of candor and good faith mandated by 37 C.F.R. §1.56. As such, this Statement is not intended to constitute an admission that any of the enclosed references, or other information referred to therein, constitutes "prior art" or is otherwise "material to patentability," as that phrase is defined in 37 C.F.R. §1.56(a).

Applicant has calculated no fee to be due in connection with the filing of this Statement. However, the Director is authorized to charge any fee deficiency associated with the filing of this Statement to a deposit account, as authorized in the Transmittal accompanying this Statement.

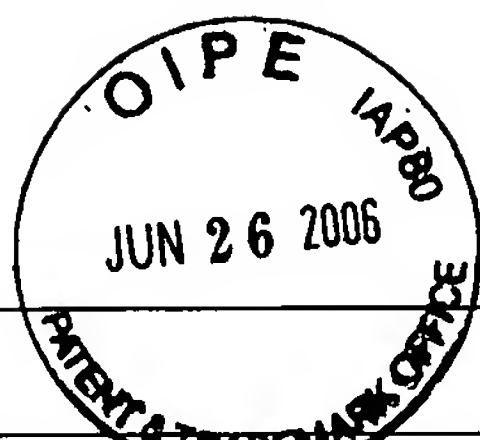
Respectfully submitted,

June 21, 2006

Date



Heidi A. Dare (Reg. No. 50,775)



FORM PTO-1449	SERIAL NO. 10/551,317	CASE NO. 10402-26
<b>LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT</b>	FILING DATE September 29, 2005	GROUP ART UNIT To Be Assigned
(use several sheets if necessary)	APPLICANT: Christof Westenfelder	

**REFERENCE DESIGNATION U.S. PATENT DOCUMENTS**

EXAMINER INITIAL		DOCUMENT NUMBER <small>Number-Kind Code (if known)</small>	DATE	NAME	CLASS/ SUBCLASS	FILING DATE
	A1	5,197,985	03/1993	Caplan et al.		
	A2	5,226,914	07/1996	Caplan et al.		
	A3	5,486,359	01/1996	Caplan et al.		
	A4	5,591,625	01/1997	Gerson et al.		
	A5	5,643,736	07/1997	Bruder et al.		
	A6	5,733,542	03/1998	Haynesworth et al.		
	A7	5,736,396	04/1998	Bruder et al.		
	A8	5,811,094	09/1998	Caplan et al.		
	A9	5,827,740	10/1998	Pittenger		
	A10	5,837,539	11/1998	Caplan et al.		
	A11	5,855,619	01/1999	Caplan et al.		
	A12	5,876,708 A	03/1999	Sachs		
	A13	5,908,782	06/1999	Marshak et al.		
	A14	5,908,784	06/1999	Johnstone et al.		
	A15	5,942,225	08/1999	Bruder et al.		
	A16	5,965,436	10/1999	Thiede et al.		
	A17	6,010,696	01/2000	Caplan et al.		
	A18	6,022,540	02/2000	Bruder et al.		
	A19	6,030,836	02/2000	Thiede et al.		
	A20	6,087,113	07/2000	Caplan et al.		
	A21	6,149,906	11/2000	Mosca		
	A22	6,174,333	01/2001	Kadiyala et al.		
	A23	6,225,119	05/2001	Qasba et al.		
	A24	6,239,157	05/2001	Mbalaviele		
	A25	6,255,112	07/2001	Thiede et al.		
	A26	6,261,549	07/2001	Fernandez et al.		
	A27	6,281,012	08/2001	McIntosh et al.		
	A28	6,322,784	11/2001	Pittenger et al.		
	A29	6,328,960	12/2001	McIntosh et al.		
	A30	6,342,370	01/2002	Connolly et al.		
	A31	6,355,239	03/2002	Bruder et al.		
	A32	6,358,702	03/2002	Connolly		
	A33	6,368,636	04/2002	McIntosh et al.		
	A34	6,379,953	04/2002	Bruder et al.		
	A35	6,387,369	05/2002	Pittenger et al.		
	A36	6,387,367	05/2002	Davis-Sproul et al.		
	A37	6,482,231	11/2002	Abatangelo et al.		
	A38	6,541,024	04/2003	Kadiyala et al.		
	A39	6,685,936	02/2004	McIntosh et al.		

EXAMINER	DATE CONSIDERED
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.



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	A40				

**FOREIGN PATENT DOCUMENTS**

EXAMINER INITIAL	DOCUMENT NUMBER <small>Number-Kind Code (if known)</small>	DATE	COUNTRY	CLASS/ SUBCLASS	TRANSLATION YES OR NO

EXAMINER INITIAL	OTHER ART – NON PATENT LITERATURE DOCUMENTS <small>(Include name of author, title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date page(s), volume-issue number(s), publisher, city and/or country where published.</small>	
	A41	Abkowitz JL et al.; "Multilineage, non-species specific hematopoietic growth factor(s) elaborated by a feline fibroblast cell line: enhancement by virus infection;" J Cell Physiol. 1986 Apr;127(1):189-96. Abstract.
	A42	Agbulut O. et al.; "Temporal patterns of bone marrow cell differentiation following transplantation in doxorubicin-induced cardiomyopathy;" Cardiovasc Res. 2003 May 1;58(2):451-9. Abstract.
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EXAMINER INITIAL	OTHER ART – NON PATENT LITERATURE DOCUMENTS (Include name of author, title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date page(s), volume-issue number(s), publisher, city and/or country where published.	
	A51	Burt RK; "Hematopoietic stem cell therapy for type 1 diabetes: induction of tolerance and islet cell neogenesis;" Autoimmun Rev. 2002 May;1(3):133-8. Abstract.
	A52	Caplan AI et al.; "Cell-based tissue engineering therapies: the influence of whole body physiology;" Adv Drug Deliv Rev. 1998 Aug 3;33(1-2):3-14. Abstract.
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	A54	Chapel A.; "Mesenchymal stem cells home to injured tissues when co-infused with hematopoietic cells to treat a radiation-induced multi-organ failure syndrome;" J Gene Med. 2003 Dec;5(12):1028-38. Abstract.
	A55	Cheng L et al.; " <i>Human mesenchymal stem cells support megakaryocyte and pro-platelet formation from CD34(+) hematopoietic progenitor cells</i> ;" J Cell Physiol. 2000 Jul;184(1):58-69. Abstract.
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	A67	Heike T et al.; "Stem cell plasticity in the hematopoietic system;" Int J Hematol. 2004 Jan;79(1):7-14. Abstract.
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<b>LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT</b>	FILING DATE September 29, 2005	GROUP ART UNIT To Be Assigned
(use several sheets if necessary)	APPLICANT: Christof Westenfelder	

EXAMINER INITIAL	OTHER ART – NON PATENT LITERATURE DOCUMENTS (Include name of author, title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date page(s), volume-issue number(s), publisher, city and/or country where published.	
	A69	Horwitz EM.; "Bone marrow transplantation: it's not just about blood anymore!;" Pediatr Transplant. 2003;7 Suppl 3:56-8. Abstract.
	A70	Horwitz EM; Stem cell plasticity: the growing potential of cellular therapy. Arch Med Res. 2003 Nov-Dec;34(6):600-6. Abstract.
	A71	Hughes S.; "Cardiac stem cells;" J Pathol. 2002 Jul;197(4):468-78. Abstract.
	A72	Imai E et al.; "Can bone marrow differentiate into renal cells?;" Pediatr Nephrol 2002 Oct;17(10):790-4. Abstract.
	A73	Imasawa T et al.; "The potential of bone marrow-derived cells to differentiate to glomerular mesangial cells;" J Am Soc Nephrol. 2001 Jul;12(7):1401-9. Abstract.
	A74	Ito T et al.; "Application of bone marrow-derived stem cells in experimental nephrology;" Exp Nephrol. 2001;9(6):444-50. Abstract.
	A75	Justesen J et al.; [Mesenchymal stem cells. Potential use in cell and gene therapy of bone loss caused by aging and osteoporosis] [Article in Danish]; Ugeskr Laeger. 2001 Oct 1;163(40):5491-5. Abstract.
	A76	Kadereit S et al.; "Expansion of LTC-ICs and maintenance of p21 and BCL-2 expression in cord blood CD34(+)/CD38(-) early progenitors cultured over human MSCs as a feeder layer;" Stem Cells. 2002;20(6):573-82. Abstract.
	A77	Kato Y. et al.; "Recipient non-hematopoietic bone marrow cells in the intestinal graft after fetal small intestinal transplantation.;" Pediatr Surg Int. 2004 Jan;20(1):1-4. Epub 2004 Feb 01. Abstract.
	A78	Kim, J.H. et al.; Co-transplantation of ex-vivo culture-expanded human mesenchymal stem cells and allogeneic hematopoietic stem cell transplantation-report of 12 cases; Blood; December 2002, vol. 100 No. 11; meeting abstract 4234.
	A79	Koc ON et al.; "Rapid hematopoietic recovery after coinfusion of autologous-blood stem cells and culture-expanded marrow mesenchymal stem cells in advanced breast cancer patients receiving high-dose chemotherapy;" J Clin Oncol. 2000 Jan;18(2):307-16. Abstract.
	A80	Krause DS.; "Plasticity of marrow-derived stem cells;" Gene Ther 2002 Jun;9(11):754-8. Abstract.
	A81	Kucia M. et al.; "Tissue-specific muscle, neural and liver stem/progenitor cells reside in the bone marrow, respond to an SDF-1 gradient and are mobilized into peripheral blood during stress and tissue injury.;" Blood Cells Mol Dis. 2004 Jan-Feb;32(1):52-7. Abstract.
	A82	Le Blanc K.; [Mesenchymal stem cells. Basic science and future clinical use] [Article in Swedish]; Lakartidningen. 2002 Mar 21;99(12):1318-21, 1324. Abstract.
	A83	Lee K et al.; "Human mesenchymal stem cells maintain transgene expression during expansion and Differentiation;" Mol Ther. 2001 Jun; 3(6):857-66. Abstract.
	A84	Mackenzie TC et al.; "Human mesenchymal stem cells persist, demonstrate site-specific multipotential differentiation, and are present in sites of wound healing and tissue regeneration after transplantation into fetal sheep;" Blood Cells Mol Dis. 2001 May-Jun;27(3):601-4. Abstract.

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	A85	Majumdar MK et al.; "Characterization and functionality of cell surface molecules on human mesenchymal stem cells;" J Biomed Sci. 2003 Mar-Apr;10(2):228-41. Abstract.
	A86	Maitra B et al.; "Human mesenchymal stem cells support unrelated donor hematopoietic stem cells and suppress T-cell activation;" Bone Marrow Transplant. 2004 Mar;33(6):597-604. Abstract.
	A87	Mbalaviele G et al.; "Human mesenchymal stem cells promote human osteoclast differentiation from CD34+bone marrow hematopoietic progenitors;" Endocrinology. 1999 Aug;140(8):3736-43. Abstract.
	A88	Noort WA et al; "Mesenchymal stem cells promote engraftment of human umbilical cord blood-derived;" CD34(+) cells in NOD/SCID mice;" Exp Hematol. 2002 Aug;30(8):870-8. Abstract.
	A89	Orlic D; "Adult bone marrow stem cells regenerate myocardium in ischemic heart disease;" Ann N Y Acad Sci. 2003 May;996:152-7. Abstract.
	A90	Poulsom R.; "Does bone marrow contain renal precursor cells?;" Nephron Exp Nephrol 2003;93(2):e53. Abstract.
	A91	Ratajczak MZ; "Stem cell plasticity revisited: CXCR4-positive cells expressing mRNA for early muscle, liver and neural cells 'hide out' in the bone marrow;" Leukemia. 2004 Jan;18(1):29-40. Abstract.
	A92	Ringe J et al.; "Stem cells for regenerative medicine: advances in the engineering of tissues and organs;" Naturwissenschaften. 2002 Aug;89(8):338-51. Epub 2002 Jul 23. Abstract.
	A93	Tocci A. et al.; "Mesenchymal stem cell: use and perspectives;" Hematol J. 2003;4(2):92-6. Abstract.
	A94	Tuan RS et al.; "Adult mesenchymal stem cells and cell-based tissue engineering;" Arthritis Res Ther. 2003;5(1):32-45. Epub 2002 Dec 11. Abstract.
	A95	Van Damme A et al; "Bone marrow stromal cells as targets for gene therapy;" Curr Gene Ther. 2002 May;2(2):195-209. Abstract.
	A96	Yokoo T et al.; "Stem cell gene therapy for chronic renal failure;" Curr Gene Ther. 2003 Oct;3(5):387-94. Abstract.
	A97	Zhu GR et al.; [Human bone marrow mesenchymal stem cells express multiple hematopoietic growth factors] [Article in Chinese]; Zhou XY, Lu H, Zhou JW, Li AP, Xu W, Li JY, Wang CY. Abstract.
	A98	Shi C et al.; [Prospects of Research on Bone Marrow Mesenchymal Stem Cells] [Article in Chinese]; Zhongguo Shi Yan Xue Ye Xue Za Zhi. 2000 Mar;8(1):61-65. Abstract.
	A99	Chen JL et al.; [Mesenchymal stem cells suppress allogeneic T cell responses by secretion of TGF-beta1] [Article in Chinese]; Zhongguo Shi Yan Xue Ye Xue Za Zhi. 2002 Aug;10(4):285-8.
	A100	International Search Report dated December 12, 2004 from International Application No. PCT/US04/09922.

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